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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,536	04/25/2001	Todd A. Newville	09651-014001	7416
26161	7590	08/21/2006	EXAMINER RAMPURIA, SHARAD K	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			ART UNIT 2617	
			PAPER NUMBER	

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,536

Applicant(s)

NEWVILLE, TODD A.

Examiner

Sharad Rampuria

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 6-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2 and 6-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

II. The current office-action is in response to the remarks filed on 06/08/2006.

Accordingly, Claims 3-5 are cancelled and Claims 1-2, 6-20 are imminent for further assessment as follows:

Claim Rejections - 35 USC § 102

III. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 6-20 are rejected under 35 U.S.C. 102 (b) as being anticipated by Orlen et al.

[US 5579535]

As per claim 1, Orlen teaches:

A communication system (Abstract) comprising:

A stationary transceiver (12, 14, 16, 18; Fig.1) defining an information portal in a vicinity thereof; (Col.2; 44-64, Col.3; 48-59, Col.5; 29-49)

A local server (32; Fig.1, Col.3; 27-29, Col.4; 10-26, Col.5; 59-Col.6; 47) in communication with said transceiver, said local server being configured to respond to entry of a mobile processing-system present within said information portal (Col.5; 11-28) and to provide to said mobile processing systems data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal. (Col.5; 29-49, Col.4; 57-Col.5; 10, Col.6; 48-Col.7; 18 and Claim 1)

As per claim 2, Orlen teaches:

A communication system (Abstract) comprising:

A stationary transceiver (12, 14, 16, 18; Fig.1) defining an information portal in a vicinity thereof; (Col.2; 44-64, Col.3; 48-59, Col.5; 29-49)

A local server (32; Fig.1, Col.3; 27-29, Col.4; 10-26, Col.5; 59-Col.6; 47) in communication with said transceiver, said local server being configured to identity and respond to a mobile processing-system present within said information portal (Col.5; 11-28) and to perform a function on the basis of the identity of said mobile processing-system. (Col.5; 29-49, Col.4; 57-Col.5; 10, Col.6; 48-Col.7; 18 and Claim 1) said function being selected from the group consisting of: permitting building access to a portion of said building; controlling an elevator in said building. (Col.9; 3-37)

As per claim 6, Orlen teaches:

The communication system of claim 2, further comprising an access control unit in communication with said local server, said access control unit being controlled by said local server on the basis of the identity of said mobile processing-system. (Col.3; 13-34)

As per claim 7, Orlen teaches:

The communication system of claim 1, wherein said stationary transceiver is selected from the group consisting of a radio transceiver, an optical transceiver, an infrared transceiver, and an acoustic transceiver. (col.3; 3-6)

As per claim 8, Orlen teaches:

The communication system of claim 1, wherein said stationary transceiver is disposed at a location selected from the group consisting of an elevator, a building lobby, and a vehicle (Col.9; 3-37).

As per claim 9, Orlen teaches:

The communication system of claim 1, wherein said local server and said stationary transceiver are in communication across a local area network. (Col.5; 11-28)

As per claim 10, Orlen teaches:

The communication system of claim 1, wherein said local server and said stationary transceiver are in wireless communication across a local area network. (Col.5; 11-28)

As per claim 11, Orlen teaches:

The communication system of claim 1, further comprising a fulfillment server in communication with said local server, said fulfillment server having access to a wide area network. (Col.3; 66-Col.4; 26)

As per claim 12, Orlen teaches:

The communication system of claim 11, wherein said local server comprises a cache for temporary accumulation of information from said fulfillment server to be relayed to said mobile processing system. (Inherent; 40; Fig.1, Col.3; 66-Col.4; 26)

As per claim 13, Orlen teaches:

The communication system of claim 11, wherein said wide area network comprises a global computer network. (Inherent; 40; Fig.1, Col.3; 66-Col.4; 26)

As per claim 14, Orlen teaches:

The communication system of claim 11, wherein said fulfillment server includes a user-interface for enabling a user to cause said fulfillment server to collect selected information. (Col.9; 3-37)

As per claim 15, Orlen teaches:

The communication system of claim 14, wherein said fulfillment server is configured to provide said selected information to said local server when said local server identifies, within said information portal, a mobile processing unit associated with said user. (Col.3; 13-34)

As per claim 16, Orlen teaches:

The communication system of claim 14, wherein said fulfillment server includes a user-interface for enabling a user to cause said fulfillment server to detect an occurrence of a condition. (Col.5; 30-49)

As per claims 17-18, Orlen teaches:

The communication system of claim 16, wherein said fulfillment server is configured to provide information indicative of an occurrence of said condition to said local server when said local server identifies, within said information portal, a mobile processing unit associated with said user. (Col.5; 30-49)

As per claim 19, Orlen teaches:

A communication system (Abstract) comprising:

A plurality of stationary transceiver (12, 14, 16, 18; Fig.1) defining an information portal in a vicinity thereof; (Col.2; 44-64, Col.3; 48-59, Col.5; 29-49)

A server system (32; Fig.1, Col.3; 27-29, Col.4; 10-26, Col.5; 59-Col.6; 47) in communication with each of said stationary receivers, said server system having a link to a global computer (40; Fig.1, 302; Fig.4, 512; Fig.6) network and thereby providing said mobile

Art Unit: 2617

processing system with wireless access to said global computer network said server system including a server configured to provide, to said mobile processing system, in response to entry of said mobile processing system into an information portal, (Col.5; 11-28) data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal. (Col.5; 29-49, Col.4; 57-Col.5; 10, Col.6; 48-Col.7; 18 and Claim 1)

IV. *Claim 20* is the method claim corresponding to system claim 19, and rejected under the same rationale set forth in connection with the rejection of claim 19, above.

Response to Amendments & Arguments

V. *Applicant's arguments filed on 6/8/2006 have been fully considered but they are not persuasive.*

Section 102 rejection of claim 1:

In rejoinder to Applicant's argument that Orlen doesn't teach, "data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal." Further, Applicant argues that the cell 104 is not the same cell as cell 102, it is prominent that Orlen supports the declaration as cells 102 or 104 are actually the telepoint base stations which is covered by a cell, since a cell has a larger coverage area than a telepoint base station, for that reason, the telepoint base stations 102/104 are in the same cell as affirmed by Orlen (Please see Col.4; 27-56). And also data or information is processed to the user prior to

Art Unit: 2617

entry of that telepoint base station (Please see Col.4; 57-Col.5; 10, Col.12; 54-Col.13; 16), as well as also in support; “*the examiner must give the broadest reasonable interpretation to all claims presented.*” As stated in MPEP § 2111 - § 2111.01. Hence, it is believed that ***Orlen still teaches the claimed limitations.***

The above arguments also recites for the claim 20, consequently the response is the same explanation as set forth above with regard to claim 1.

Because claims 7-18 depend on claim 1, consequently the response is the same explanation as set forth above with regard to claim 1.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

Section 102 rejection of claim 19:

In comeback to Applicant’s argument that Orlen doesn’t teach, “a link to a global computer.” it is stated that Orlen supports the declaration as a data entry port, which is a computer and it is well known in the art the computer could be a global-computer that has links to the network. (Please see 40; Fig.1, 302; Fig.4, 512; Fig.6, Col.7; 4-25), as well as also in support; “*the examiner must give the broadest reasonable interpretation to all claims presented.*” As stated in MPEP § 2111 - § 2111.01. Hence, it is believed that ***Orlen still teaches the claimed limitations.***

The above arguments also recites for the claim 13, consequently the response is the same explanation as set forth above with regard to claim 19.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

Section 102 rejection of claim 2:

In response to Applicant's argument that Orlen doesn't teach, "said function being selected from the group consisting of: permitting building access to a portion of said building; controlling an elevator in said building." it is stated that Orlen supports the declaration as a cursor key which controls the several categories of the localized information in a geographic area which could be an elevator area also, and it is well known in the art the cursor key could be a controller key for an elevator in the same network. (Please see Col.9; 3-37), as well as also in support; *"the examiner must give the broadest reasonable interpretation to all claims presented."* As stated in MPEP § 2111 - § 2111.01. Hence, it is believed that ***Orlen still teaches the claimed limitations.***

Because claim 6 depend on claim 2, consequently the response is the same explanation as set forth above with regard to claim 2.

The above arguments also recites for the claims 14-18, consequently the response is the same explanation as set forth above with regard to claim 2.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

Section 102 rejection of claim 8:

Art Unit: 2617

In comeback to Applicant's argument that Orlen doesn't teach, "stationary transceiver is disposed at a location selected from the group consisting of an elevator, a building lobby, and a vehicle." it is stated that Orlen supports the declaration as a base station, which is could be situated in an elevator or a building also, and it is well known in the art. (Please see Col.2; 47-54, Col.9; 3-37), as well as also in support; "*the examiner must give the broadest reasonable interpretation to all claims presented.*" As stated in MPEP § 2111 - § 2111.01. Hence, it is believed that ***Orlen still teaches the claimed limitations.***

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

Section 102 rejection of claim 9:

In rejoinder to Applicant's argument that Orlen doesn't teach, "local server and said stationary transceiver are in communication across a local area network." Further, Applicant argues that the cell 104 is not the same cell as cell 102, it is prominent that Orlen supports the declaration as local transceivers 12, 14, 16, 18; Fig.1, or cells 102 or 104 are actually the telepoint base stations which is covered by a cell, so these transceivers covered the local area as affirmed by Orlen (Please see Col.4; 27-56, Col.5; 11-28), as well as also in support; "*the examiner must give the broadest reasonable interpretation to all claims presented.*" As stated in MPEP § 2111 - § 2111.01. Hence, it is believed that ***Orlen still teaches the claimed limitations.***

The above arguments also recites for the claim 10-12, consequently the response is the same explanation as set forth above with regard to claim 9.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

Conclusion

VI. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.



Sharad Rampuria
Patent Examiner
Art Unit 2617



GEORGE ENG
SUPERVISORY PATENT EXAMINER